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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/936,840
		Filing Date	January 7, 2002
		First Named Inventor	Damien ROSNEY
		Group Art Unit	3731
		Examiner Name	Vi X. Nguyen
Total Number of Pages in This Submission	2	Attorney Docket Number	741890-18

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s): (please identify below):
Remarks		<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (741890-18) for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Tim L. Brackett, Reg. No. 36,092 Nixon Peabody LLP 401 9th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	August 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
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Attorney Docket No. 741890-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of)
Damien ROSNEY et al.) Confirmation No. 1494
Application No. 09/936,840) Group Art Unit: 3731
Filed: January 7, 2002) Examiner: Vi X. Nguyen
For: A SURGICAL ACCESS DEVICE)

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the election requirement set forth in the Office Action mailed July 14, 2004, Applicants hereby elect Group II, the species according to Figs. 1-4 for examination on the merits, subject to the right to file a divisional application to the nonelected embodiment. Claim 13 is readable on the elected specie.

Prompt examination of the present application is appreciated.

Respectfully submitted,

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